

**CITY OF KERRVILLE ZONING BOARD OF ADJUSTMENT AGENDA**  
**REGULAR MEETING, THURSDAY, DECEMBER 11, 2014 4:30 P.M.**  
**CITY HALL COUNCIL CHAMBERS**  
**701 MAIN STREET, KERRVILLE, TEXAS**

**CALL TO ORDER**

**1. VISITORS/CITIZENS FORUM:**

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. The number of speakers will be limited to the first ten speakers and each speaker is limited to three minutes. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

**2. CONSENT AGENDA:**

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the meeting of July 2, 2014.

**3. PUBLIC HEARINGS AND ACTION:**

3A. Variance Requests: Public hearing, consideration, and action concerning a variance to allow a reduction of the required off-street parking spaces for property located at 332 Clay St. Planning File: 2014-049

~~3B. Variance Requests: Public hearing, consideration, and action concerning a variance to allow a reduction of the required side setback for property located at 1302 Stadium Drive. Planning File: 2014-048. This item has been withdrawn.~~

**4. ADJOURNMENT**

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The facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this event. Please contact the City Secretary's Office at 830-257-8000 for further information.

I do hereby certify that this notice of meeting was posted on the bulletin board at the city hall of the city of Kerrville, Texas, and said notice was posted on the following date and time: \_\_\_\_\_ at \_\_\_\_\_ and remained posted continuously for at least 72 hours preceding the scheduled time of the meeting.

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City Secretary, City of Kerrville, Texas

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**BUSINESS OF THE ZONING BOARD OF ADJUSTMENT  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 2A                      **FOR AGENDA OF:** December 11, 2014

**DESCRIPTION:** Approval of the minutes from the meeting of July 2, 2014

**APPLICANT(S):** Planning and Zoning Commission Secretary

**ATTACHMENT(S):** Minutes from July 2, 2014 meeting.

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The recording Secretary recommends approval of the proposed minutes.

**MEMBERS ABSENT:**

Robert White, Alternate

**STAFF PRESENT:**

Jason Lutz, Senior Planner

Dorothy Miller, Administrative Assistant

**1. CALL TO ORDER**

On July 2, 2014 the Zoning Board of Adjustment meeting was called to order at 4:30 p.m. in the City Hall Council Chambers, 701 Main Street.

**2. Consent Agenda**

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

2A. Approval of the minutes from the meeting of May 29, 2013

Ms. Eychner moved to approve the minutes as amended; motion was seconded by Ms. Stilwell and passed 5-0.

**3. CONSIDERATION AND ACTION:**

3A. Election of Board Chairperson

Ms. Eychner nominated Robert Irvin for chairperson; nomination was seconded by Ms. Stilwell and passed 5-0.

3B. Election of Board Vice-Chairperson

Ms. Stilwell nominated herself for vice-chairperson; nomination was seconded by Mr. Ligon and passed 3-2.

**4. Public Hearing and Action:**

4A. Variance Requests: Public hearing, consideration, and action concerning a setback variance to allow an existing garage to encroach two point six (2.6) feet into the required six (6) foot rear yard setback for property located at 700 Webster Ave. and to allow an existing home to encroach one point three (1.3) feet into the required six (6) foot side yard setback for property located at 212 W. Barnett St.

Planning File: 2014-025

Mr. Lutz presented the findings of fact and recommended approval of the variance request..

Mr. Irvin opened the public hearing at 4:47 p.m. Hearing no one speak, Mr. Irvin closed the public hearing at 4:48 p.m.

Mr. Zohlen moved to approve the variance as presented; motion was seconded by Ms. Stilwell and passed 5-0.

#### **4. Adjournment**

The meeting adjourned at 4:50 p.m.

**BUSINESS OF THE ZONING BOARD OF ADJUSTMENT  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 3A

**FOR AGENDA OF:**

December 11, 2014

**DESCRIPTION:** Public hearing, consideration, and action concerning a variance to allow a reduction of the required off-street parking spaces for property located at 332 Clay St.

**APPLICANT(S):** Jeremy Walther

**ATTACHMENT(S):** Location Map, Site Plan, Findings of Fact, Applicant Materials

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**SUMMARY STATEMENT**

The applicant is seeking a variance from Art. 11-I-20.A.1 et seq as they relate to the required number of parking spaces.

The subject property consists of portions of 602/603 of Block 9 of the Schreiner Addition, and encompasses approximately one third of an acre (approximately 108' wide by 137' deep). It is located at the corner of Jefferson and Clay. The site is developed with an existing warehouse/flex space and administrative space. There is currently room for ten (10) parking spaces on site.

The site has been proposed for redevelopment by the applicant as a combination brewery, tasting room, and leasable office space. The property has Central Business District (CBD) zoning for which the existing and proposed uses are permitted by right. The site is not designated within the Downtown Core (DC) district.

Based upon the proposed mix of uses, the required spaces are computed at twenty (20), as follows:

<b>Use/SF</b>	<b>Requirement</b>	<b>Required Spaces</b>
Brewery (Manufacturing) 1,445 sf	1 per 1,000 sf	2
Tasting Room (Restaurant) 1,440 sf	1 per 100 sf or 4 seats, whichever is greater	15
Office, 836 sf	1 per 300 sf	3

The applicant has provided a schematic that depicts the distribution of these uses and the available parking on-site.

The applicant has made considerable efforts to work with surrounding property owners to develop a joint use parking arrangement; however, they have been unable to agree on the

specific terms that the City requires of such an agreement, i.e. that the agreement is irrevocable.

Thus, the applicant is requesting a variance from the off-street parking requirements that would enable a reduction of the requirement to ten (10) spaces.

Per the City of Kerrville's Zoning Code - **Required Findings of Fact:** No variance shall be granted by the Board of Adjustment until it makes the following findings:

**Findings of Fact:**

(i) that there are exceptional circumstances or conditions applicable to the property on which the application is made related to size, shape, area, topography, surrounding condition or location that do not apply generally to other property in the same area and the same zoning district;

**Staff is not able to make this finding. The lot is rectangular in nature (not irregular), is shallower than several lots within the block, though not the shallowest or smallest. There are no irregular topographic features, such as steep slopes, which impede placement of parking.**

(ii) that the exceptional circumstances or conditions are such that literal enforcement of the provisions of this Chapter would result in an unnecessary hardship inconsistent with the general purpose and intent of this Chapter;

**Staff is not able to make this finding. The provision of Art. 11-I-20.A.1 apply uniformly to other properties within the same district and vicinity.**

(iii) that the granting of such variance will not be contrary to the public interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located;

**Staff is not able to make this finding. The purpose of the requirement for off-street parking is to avoid this development impact within public streets and rights-of-way, thereby reducing congestion and spillover to adjacent neighborhoods. Granting a variance of 50% of the requirement has the potential to adversely affect the public interest.**

(iv) that the granting of such variance will not be contrary to the objectives and principles contained in the comprehensive plan, as amended;

**The Comprehensive Plan envisions a multitude of diverse business, entertainment and residential uses, within close proximity and within walking distances.**

(v) that the variance to be granted is the minimum variance that will relieve the proven hardship;

**Staff is not able to make this finding. The applicant could in theory reduce the tasting room area to 500 square feet, which would allow the parking requirement to be met on-**

**site. Thus, the requested variance of 10 spaces is not the minimum that will relieve the hardship, if such hardship is demonstrated.**

(vi) that the variance is not being granted to relieve the applicant of conditions or circumstances:

- a. which are not inherent in the property itself, but are the result of the use or development of the property, or

**Staff is not able to make this finding. The conditions of the property do not influence the ability to provide some off-street parking; rather, the proposed introduction of a restaurant use (tasting room) triggers the need for additional parking.**

- b. which are caused by a division of land on or after June 16, 1997, other than a division of land resulting from the sale of a property interest to a governmental entity, which division of land caused the property to be unusable for any reasonable development under the existing regulations, or

**N/A.**

- c. which were otherwise self-imposed by the present or a previous owner;

**Staff is not able to make this finding. The proposed change in use to include a restaurant use triggers the need for additional parking.**

(vii) that the variance is not grounded solely upon the opportunity to make the property more profitable or to reduce expense to the current or any future owner;

**Staff is not able to make this finding. No variance would be required if the tasting room were reduced to 500 square feet.**

(viii) that the variance would not modify or effectively repeal any development or use regulations set forth in a Conditional Use Permit or an ordinance or resolution adopting a Development Site Plan or establishing a Special Use District or Planned Development District which are in addition to the generally applicable use and development regulations set forth in this Chapter;

**This finding is not applicable because the request does not involve a Conditional Use Permit, a Special Use District or Planned Development District application.**

(ix) that the variance would only affect a specific parcel of property and is not of such a general nature as to effectively constitute a change in zoning of said parcel or a larger area without following the procedures set forth in Article 11-1-21.

**This finding is not applicable because a change in zoning district would not alleviate the need for off-street parking.**

At the time this packet was distributed 13 landowners within 200' were notified and no official protests have been received.

### **RECOMMENDED ACTION**

1. Open the public hearing and receive comments, and
2. Render a decision on the requested variance.









BOARD OF ADJUSTMENT  
APPLICATION FOR REVIEW



PROPERTY:

Address: 332 Clay St.

Legal Description: Subdivision: Schreiner  
Block: 9 Lot: 602 PT, 603 PTS  
Property Owner(s): Gregory A. Richards Ph: 830-257-8080

APPLICANT:

Name: Jeremy Walther  
Address: PO Box 7  
Center Point TX 78010  
Home Phone: (512) 762-3969  
Work Phone: ( )  
E-Mail Address: jeremy@bio-gardener.com

☒ Variance Request Filing Fee \$150.00 (Transaction Code: 840.01-6236)

CHECK APPROPRIATE REQUEST

Main Structure

- ☐ Room Addition  
☐ Garage Addition  
☐ New Residence

Accessory Structure

- ☐ Carport  
☐ Storage Building  
☐ Detached Garage

Other

- ☒  
☐  
☐

Affected Part(s) of the Property

- ☐ Interior Side Yard ☐ Front Yard  
☐ Exterior Side Yard ☐ Rear Yard  
☐ Height

Status

- ☐ Existing  
☐ Proposed

Describe the request:

off-street parking variance

If the request is for a variance, the Board must find the first two of the following to be true and that the circumstances are not self-imposed to approve your request:



## BOARD OF ADJUSTMENT INFORMATION AND PROCEDURE

The Board of Adjustment is authorized to consider certain variances and interpretations to the City's Zoning Code. If you wish to make an application to the Board of Adjustment, the following procedures will apply:

### **APPOINTMENT WITH STAFF:**

Potential applicants are encouraged to schedule an appointment with the City Planner to discuss the request prior to submittal of the application. To schedule an appointment, please call (830) 258-1184 or email [jason.lutz@kerrvilletx.gov](mailto:jason.lutz@kerrvilletx.gov)

### **APPLICATION FORM:**

The attached application should be completed and submitted to the Planning Division office. The form must be signed by the applicant or property owner and notarized. The application can be notarized at City Hall free of charge.

### **APPLICATION FEE:**

A **non-refundable** fee of \$150.00 must be paid when submitting an application. If an application is approved, there will be a separate fee for the building permit, payable at the time of permitting.

### **JUSTIFICATION:**

The Board of Adjustment is only authorized to act on specific types of requests and is required to review the request as directed by Articles 11-I-22 and 11-I-23 of the Kerrville Zoning Code. A copy of the Articles is attached.

### **DRAWING:**

A drawing of the request on 8 1/2 x 11 or 11 x 17 inch paper is required. The drawing should be to scale and should indicate lot boundaries, dimensions, existing and proposed buildings, structures, fences, front, side and rear setbacks (required and proposed) and any applicable features related to the request. Dimensions should be shown from property lines. (The curb or pavement line of a street is generally not the property line.)

### **NOTIFICATION:**

A notice describing your request and stating the time and date of the Board of Adjustment meeting will be published in The Kerrville Daily Times and will be mailed to all property owners within 200-feet of your property.

- 109

— 17-10 1/4"

— 15-8%

 $-17'-10\frac{1}{4}"$ 

very well.

OFFICE SPACE  
836 SF - 3 SPOTS

**TASTING ROOM**  
1440 SF - 15 SPOTS

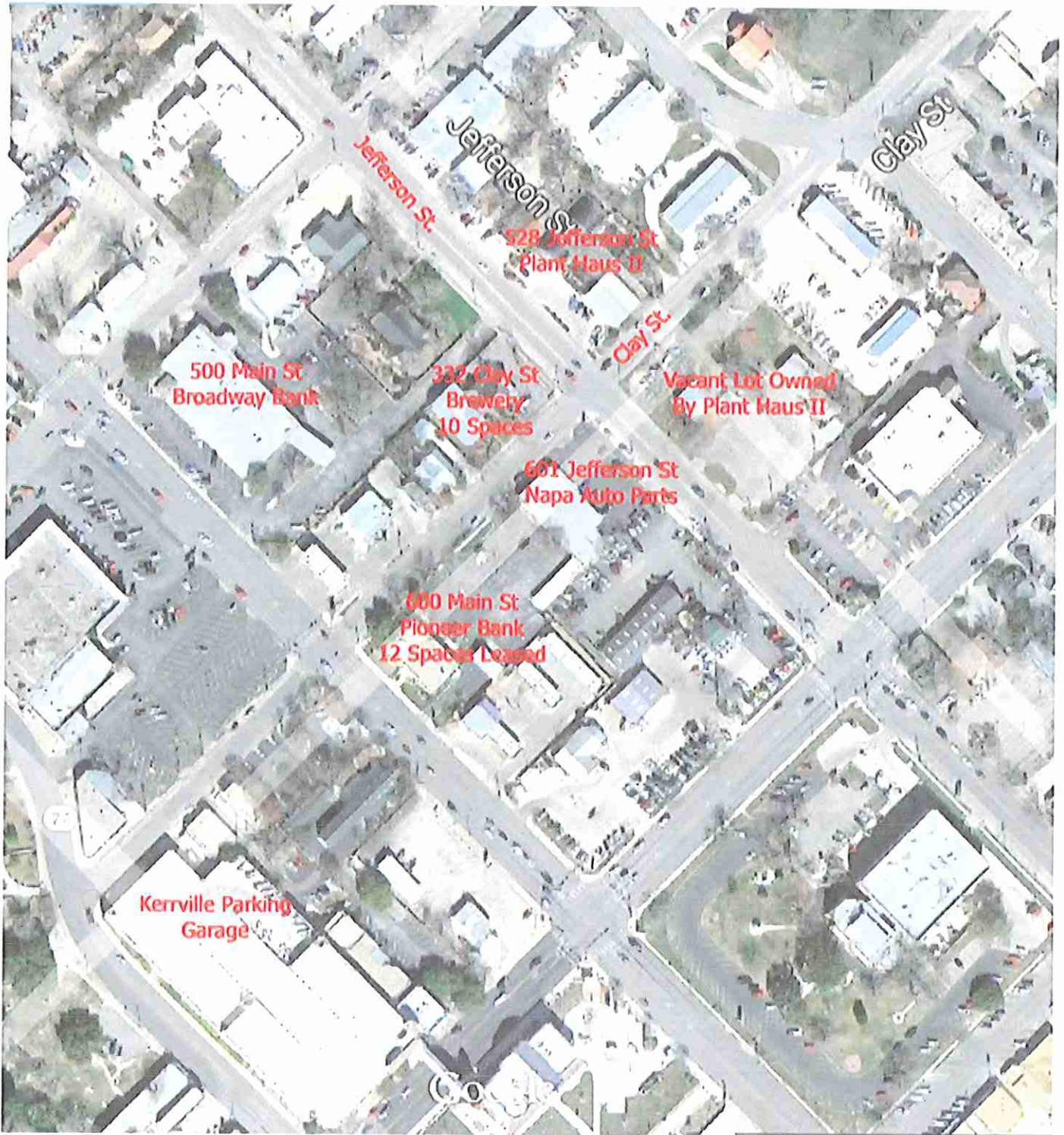
MANUFACTURING ROOM  
1445 SF - 2 SPOTS

**BREWHOUSE**

75'

**Kerrville Brewery**  
**332 Clay St.**





**CITY OF KERRVILLE DEVELOPMENT SERVICES DEPARTMENT  
MASTER APPLICATION \***

**PROPERTY INFORMATION:** (Please PRINT or TYPE for all permits)

Project Address 332 Clay St. Nearest Intersection Jefferson St.  
Subdivision Schreiner Lot 602P, 603P Block 9  
Zoning Districts \_\_\_\_\_ Comprehensive Plan Designation \_\_\_\_\_

**OWNER/APPLICANT INFORMATION:** (Please PRINT or TYPE: For all permits)

Applicant/Authorized Agent Jeremy Walther Phone 512 762 3969 FAX \_\_\_\_\_  
Email Address: jeremy@bio-gardener.com  
Mailing Address P.O. Box 7 City C.P. State TX Zip 78010  
Property Owner Gregory A. Richards Phone 830.257.8080 FAX 830.896.8489  
Email Address: greg@prhlaw.com  
Mailing Address 280 Thompson Dr City Kerrville State TX Zip 78028

**Transaction Code: 840.01-6236**

<input type="checkbox"/> Annexation (2 copies / 2 petitions)	<u>No Fee</u>
<input type="checkbox"/> Administrative Appeal	\$150
<input type="checkbox"/> Preliminary Site Plan (20 copies)	<u>No Fee</u>
<input type="checkbox"/> Final Site Plan (20 copies)	<u>No Fee</u>
<input type="checkbox"/> Concept Plan (20 copies)	\$500
<input type="checkbox"/> Alternative Screening Request (P&Z Commission)	<u>No Fee</u>

**Attach completed checklists for all projects**

<input type="checkbox"/> Preliminary Plat (20 copies) \$300 + \$20/lot or \$10/acre (which ever is greater)	_____
<input type="checkbox"/> Final Plat (20 copies) \$150 + \$10/lot	_____
<input type="checkbox"/> Preliminary Minor Plat (20 copies) \$150 + 10/lot	_____
<input type="checkbox"/> Final Minor Plat (20 copies) \$150 + 10/lot	_____
<input type="checkbox"/> Replat (20 copies) \$150 + 10/lot	_____

**For plats in the ETJ: (Payment due at the time of final plat, \$200.00 per lot)**

<input type="checkbox"/> Parkland Fee (East) _____ 08-6242	<input type="checkbox"/> Parkland Fee (West) _____ 08-6243
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**Owner's Affidavit Required for:** (Must attach to this Master Application Form)

<input type="checkbox"/> Conditional Use Permit (CUP) Request _____ 840. 01-6236 \$300	<input type="checkbox"/> Zoning Change Request _____ 840. 01-6236 \$300
<input checked="" type="checkbox"/> Variance Request _____ 840. 01-6236 \$150	<input type="checkbox"/> Comp. Plan Amendment Request _____ 840. 01-6236 \$300
<input type="checkbox"/> Planned Development District Request _____ 840. 01-6236 \$300	<input type="checkbox"/> Specific Use Permit (SUP) Request _____ 840. 01-6236 \$300

Please provide a basic description of the proposed project: Brewery

I hereby certify that I am the owner or duly authorized agent of the owner for the purposes of this application. I further certify that I have read and examined this application and know the same to be true and correct. If any of the information provided on this application is incorrect the permit or approval may be revoked.

Owners Signature: [Signature] Date: 11/21/14



## REQUIREMENTS FOR APPLICATION OF VARIANCE REQUEST

Please submit the following requirements along with the completed master application. Please do not submit the project unless all items are marked "complete" or "non-applicable." Thank you, Kerrville Development Services Division. Citations come from the Zoning Ordinance.

**The Board of Adjustment may grant a variance to the Zoning Code as permitted by Article 11-1-22(o.)(2) in accordance with the following procedures:**

Complete    N/A

An application for a variance shall be made in writing on forms provided by the Planning Division and filed with the secretary of the Board of Adjustment. An application for a variance shall be deemed complete when all information on the application is accompanied by the following:

All fees established by the City Council for such matters. 11-1-23.b.1.i

A description of the property to which the variance would apply sufficient to identify the location and the boundaries of the property. 11-1-23.b.1.ii

The reason the applicant is requesting the variance. 11-1-23.b.1.iii

The signature, acknowledged by a notary public of:

- a) the owner of the property
- b) if different than the owner, the signature of the person requesting the variance. 11-1-23.b.1.iv

When the variance relates to the development of a specific tract of land, eight (8) copies of a site plan drawn to scale showing existing and proposed development of the property in question. 11-1-23.b.1.v

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I have read and understand in its entirety article 11-1-23 of the Comprehensive Zoning Ordinance No. 97-07 for the City of Kerrville and understand that the requirements of a variance to the Zoning Code are subject to the terms and conditions therein. The Variance Request Checklist is used to insure compliance with the ordinance and, in some instances, the City may require more information for approval. An endorsement of this application checklist by the applicant shall be acknowledgement that all of the items on the above list have been reviewed and complied with or variances have been requested.

Date: 11/21/14

Owner: Jeremy Walther Phone/Fax: 512-762-3969

Owner Address: P.O. Box 7 Center Point TX 78010

Signature: 

**BUSINESS OF THE ZONING BOARD OF ADJUSTMENT  
CITY OF KERRVILLE, TEXAS**

**AGENDA ITEM:** 4

**FOR AGENDA OF:** December 11, 2014

**DESCRIPTION:** Adjournment.